United Nations A/60/380

General Assembly

Distr.: General
26 September 2005

Original: English

Sixtieth session
Agenda item 31
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the thirty-seventh report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 59/121.

* The present report is being submitted on 26 September 2005 so as to include as much updated information as possible.

05-52382 (E) 241005

Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present, thirty-seventh report to the General Assembly reflects the substance of information gathered during the mission of the Special Committee to Egypt, Jordan and the Syrian Arab Republic from 25 June to 9 July 2005. In these three countries, the Special Committee met with a total of 46 witnesses representing Palestinian non-governmental organizations from the occupied territories and Israeli NGOs, as well as individuals from the Syrian Arab Republic.

Section V of the report provides first-hand information received from witnesses on the human rights situation in the occupied territories and section VI reviews the human rights situation in the occupied Syrian Golan. Section VII presents the conclusions and recommendations of the Special Committee in the aftermath of its field mission.

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I. Introduction

1. Established in 1968 by General Assembly resolution 2443 (XXIII), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States.

2. These Member States are Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, H.E. Ambassador Prasad Kariyawasam, serving as Chairperson; on 1 April 2005, he replaced the former Chairman of the Committee, H.E. Ambassador Bernard A. B. Goonetilleke); Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, H.E. Ambassador Ousmane Camara); and Malaysia (represented by the Alternate Permanent Representative of Malaysia to the United Nations, H.E. Ambassador Mohd Radzi Abdul Rahman, who, as of 25 May 2005, replaced the former member of the Committee, H.E. Ambassador Rastam Mohd Isa).

3. The Special Committee reports to the Secretary-General. Its reports are reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

4. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. For the purposes of the present report, the occupied territories are those remaining under Israeli occupation, namely the occupied Syrian Golan, the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee are the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that are under occupation but who left those areas because of the hostilities.

5. The human rights of the Palestinian people and other Arabs in the occupied territories are referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and also find their legal basis in the protection afforded by international law, in particular in such circumstances as military occupation and, in the case of prisoners of war, capture. By resolution 3005 (XXVII), the General Assembly requested the Special Committee to investigate as well allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of its archaeological and cultural heritage and interferences in the freedom of worship in its holy places.

6. The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" refer to those actions which, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

7. The Special Committee bases its work on human rights standards and obligations as defined in particular by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War and the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and the Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land. The Special Committee also relies on those resolutions relevant to the situation of civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights.

8. As in previous years, the General Assembly, in its resolution 59/121 requested "the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The Assembly also requested the Special Committee "to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

III. Activities of the Special Committee

A. Meetings held by the Special Committee

9. The Chairman of the Special Committee introduced his report before the Fourth Committee of the General Assembly in New York during the debate on the question of Palestine, which took place from 8 to 11 November 2004. On 8 November, the members of the Special Committee held a working session with a view to planning and following up its activities in 2005.

10. On 29 November 2004, the Chairman of the Special Committee was invited to participate in the commemoration of the International Day of Solidarity with the Palestinian People held in New York; the ceremony in Geneva was attended by Ambassador Camara. In both places, a common message of the Committee was shared with the two audiences.

11. The members of the Special Committee took part in the meetings of the sixty-first session of the Commission on Human Rights held from 18 to 24 March 2005, particularly in relation to items 5 and 8 of the agenda discussing the right of peoples to self-determination and the question of Palestine. They also held consultations with the Permanent Representatives of Egypt, Jordan and the Syrian Arab Republic, as well as the Permanent Observers of Palestine, the League of Arab States and the Organization of the Islamic Conference. An invitation for an exchange of views had

been extended to the Permanent Representative of Israel, who did not respond. Consultations also took place with the International Committee of the Red Cross (ICRC) and a number of representatives of United Nations agencies such as United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the World Food Programme (WFP), the Office for the Coordination of Humanitarian Affairs (OCHA) and the International Labour Organization (ILO).

12. Finally, on 24 June 2005, the Special Committee briefly met in Geneva before leaving for its annual field trip to the Middle East, and had exchanges of views with the Permanent Observer of Palestine, a senior economist from ILO and representatives of both Amnesty International and the International Federation of Human Rights Leagues.

B. Field mission of the Special Committee to the Middle East

13. As in past years, the Special Committee was not authorized by Israel to visit the Occupied Palestinian Territory (OPT), despite a letter addressed to the Permanent Representative of Israel to the United Nations Office at Geneva on 9 May 2005, copied to the Secretary-General on 17 May 2005, requesting access to this territory.

14. The Special Committee visited Cairo from 25 June to 1 July 2005, where it heard statements given under oath by 16 witnesses from the West Bank, East Jerusalem and the Gaza Strip. Owing to the congested situation in Rafah on both sides of the border, five witnesses from the Gaza Strip who had confirmed that they would attend were prevented from leaving the occupied territory. Three of them were, however, interviewed on the telephone.

15. While in Cairo, the Special Committee met with the Egyptian Minister for Foreign Affairs and representatives of the parliamentary Foreign Relations Committee and the International Humanitarian Law Committee. It also had an extensive exchange of views with the President of the National Council of Human Rights. It was not able this year to meet, as envisaged, the Secretary-General of the League of Arab States, who was abroad.

16. The Special Committee was in Amman from 1 to 5 July 2005 to hear individual testimonies under oath from another group of 22 Palestinian witnesses from the West Bank and East Jerusalem. The Committee also had a fruitful exchange of views with the Jordanian Minister for Foreign Affairs. During its stay in Damascus from 5 to 9 July 2005, the Special Committee had an exchange of views with the Syrian Deputy Prime Minister for Foreign Affairs and was presented with the Government's thirty-seventh annual report on Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan. It also visited Quneitra Province, bordering the occupied Syrian Golan, and met with the Governor who also submitted a report to the Special Committee. It heard statements made under oath by eight witnesses with direct and personal knowledge of the human rights situation in the occupied Syrian Golan. The Special Committee is particularly grateful to the Governments of Egypt, Jordan and the Syrian Arab Republic, as well as to the Palestine Authority for the interest, support and cooperation it received in the months preceding and during its field trip to the region, especially in facilitating travel and visa arrangements for the witnesses, and looks forward for their continuing support and assistance.

C. Cooperation with other United Nations bodies

17. The Special Committee would not have been able to carry out its mission successfully were it not for the support of the offices of the United Nations resident coordinators for Egypt, Jordan and the Syrian Arab Republic in the extensive preparations and logistics involved in the trip.

18. In Damascus, the Committee held a joint meeting with the Resident Coordinator and the heads of office of several United Nations programmes and agencies, including UNRWA, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP) and OCHA.

D. Orientation of the report

19. The present report, submitted in accordance with Assembly resolution 59/121, is the thirty-seventh report of the Committee.[1] Despite its specific request to the Government of Israel, the Committee continued to be denied access to the occupied territories and the opportunity to meet with relevant Israeli officials. Nevertheless, the Special Committee was able to collect sufficient material and evidence regarding the dire human rights situation in OPT affecting Palestinians and other Arabs.

20. More than ever, it appeared to the Committee members that the construction of the separation wall violated every single human right of the Palestinians. There was also the perception that the wall might affect the national identity of the Palestinians and their legitimate claim to their territories, which are being reduced to isolated pieces of territory that not long ago were contiguous lands. The wall in various ways is increasingly impinging on the freedom of movement of the Palestinians. They are being compelled to live on or leave growing portions of devastated land owing to incessant military incursions, house and infrastructure demolitions, as well as increased Jewish settlement activities. Recent studies by Palestinians showed to what extent the combined effects of the wall, military occupation and road closures have led to the gradual loss of control by the Palestinians over key strategic resources such as water or energy.[2]

21. Fears and anxieties voiced by many witnesses before the Special Committee in relation to the Israeli disengagement plan from the Gaza Strip, announced for mid-August 2005, pointed to the ambiguity of the process, its uncertain outcome, and the inability of Palestinians and international actors to measure its potential scope and the impact on the population of Gaza.

22. To a certain extent, witnesses reported less appalling atrocities than last year, which might be the result of decreased violence committed during the first six months of the year following the Sharm El Sheikh Summit of February 2005. However, the Special Committee noted that the human rights situation in OPT continued to deteriorate for the majority of the population. The conditions of women and children had worsened owing to the wall, which prevented them from accessing health facilities. Children, youth and students continued to suffer from the increasing impact of the wall which has curtailed their access to schools and universities. Without a rapid and sustained recovery of its economy, Palestine will

continue to be a vast open-air prison, as mentioned in last year's report, leading to ultimate suffocation. All this went on generally unnoticed by the world media.

23. More than ever, Palestinians rely on the Special Committee to report to the General Assembly on their dire situation. The Committee also needs in turn to identify constituencies and stakeholders in the international community that would be in a position to raise awareness in their own constituencies, in particular the general public, to the plight of Palestinians.

IV. Latest developments

24. During its consultations in Geneva prior to its field trip to the Middle East, the Special Committee gathered an overall picture of the Palestinian situation. The peaceful election in January 2005 of President Yasser Arafat's successor, Mahmoud Abbas, paved the way for renewed contact between the Government of Israel and the Palestinian Authority. There were some hopes for improvement in the Palestinian situation in the aftermath of the Sharm El Sheikh Summit and the announcement of the Israeli withdrawal from the Gaza Strip. These hopes tended to fade, as it was noted that Israel was still pursuing its settlement policy in the West Bank, continuing construction of the wall around East Jerusalem and to the south in the West Bank, and proceeding with the establishment of a set of separate roads for the use of settlers only.

25. No tangible sign was given by the Israeli forces of a willingness to reduce the harshness of military occupation throughout OPT and to ease the persistent limitations on freedom of movement imposed daily on the Palestinian population. This situation resulted from the few crossing points in the wall and the combined ill-effects of road closures and checkpoints. In the Gaza Strip alone, at least 1.3 million Palestinians had their access to food, including its production, limited and therefore depended heavily on food assistance. The number of the new working poor rose steadily, as the informal sector was increasingly deprived of economic growth opportunities.

26. Before the second intifada, about 150,000 Palestinians worked in Israel. Today, only 22,000 work permits have been granted to Palestinian workers. The 2005 Consolidated Appeals Process (CAP), coordinated through OCHA, requested from the international donor community US$ 300 million; in March 2005, the shortfall was US$ 270 million. For the last 10 years, UNRWA has also suffered from a persistent financial shortfall owing to the failure of Member States to commit sufficient funds. Overall reconstruction needs in OPT were recently estimated at US$ 5 billion.[3]

27. Five hundred Palestinians were released from Israeli jails in the aftermath of the Sharm El Sheikh Summit and 400 more in early June 2005, but no other commitments were made by Israel regarding the other over 7,000 detainees still being held. There was no reported improvement in the appalling condition of women and children detained in Israeli prisons.

28. The announced unilateral disengagement from the Gaza Strip, although generally welcomed by the Palestinians as a positive step, nonetheless created disturbing uncertainties for many, such as: To what extent would the freedom of movement of Palestinians within Gaza from one zone to another be improved?

Would the Palestinians be given control of Gaza's borders, allowed again to control its airspace and have access to the sea? When would Israeli troops effectively leave the area after demolishing Jewish settlements?

29. At the international level, in the aftermath of the advisory opinion of the International Court of Justice on the illegality of the construction of the wall in OPT and the subsequent adoption of General Assembly resolution ES-10/15, the United Nations International Meeting on the Question of Palestine was convened in Geneva on 8 and 9 March 2005 to discuss the roles of Governments, intergovernmental organizations and civil society in the implementation of the advisory opinion. In the final document, participants called on the international community to adopt measures to persuade the Government of Israel to comply with international law and the ruling of the Court, and on the Quartet to redouble its efforts and work closely with the parties, together with other international and regional actors, to implement the road map towards a just and lasting settlement of the conflict. The permanent responsibility of the United Nations over all aspects of the question of Palestine until it was resolved was reaffirmed.

30. A panel discussion held during the sixtieth session of the Commission on Human Rights on the same issue emphasized in particular the role to be played by NGOs in raising public awareness and activating relevant NGO networks on the follow-up to the advisory opinion and the General Assembly resolution.

31. On 4 August 2005, eight special procedures of the Commission on Human Rights[4] issued a joint press release for the first anniversary of the advisory opinion, expressing their concern at the fact that the wall violated Israel's obligations under international human rights law, particularly in respect of freedom of movement and the rights to adequate housing, food, family life, education and health. Violations of other norms of international humanitarian law, inter alia those prohibiting the annexation of occupied territory, the establishment of settlements, the confiscation of private land and the forcible transfer of people, were also highlighted.

32. The eight special procedures called upon Israel to stop the construction of the wall in OPT, including in and around East Jerusalem, to dismantle its structure, to repeal or render ineffective all related legislative and regulatory acts, and to make reparation for all damage caused by the construction of the wall, and reminded States that they were under an obligation not to recognize the illegal situation resulting from the construction of the wall. The United Nations, as a member of the Quartet and engaged in the road map process, should make every effort to ensure compliance with the advisory opinion, and the Commission of Human Rights should act on the matter.

33. Finally, it should be recalled that Israel is a party to the six main international human rights instruments,[5] but has failed to fulfil some of its reporting obligations on time.

V. Human rights situation in OPT

34. Most of the witnesses who appeared before the Special Committee drew its attention to the combined effect of military occupation, continued construction of the wall on substantial portions of Palestinian land and the impact of Jewish settlements, which deprived whole communities from means of livelihood, jobs, and

access to schools, universities, health and social facilities and families. All these factors were contributing to the total disintegration of Palestine as a credible geographic and territorial entity, elements that usually make up a nation. Moreover, large numbers of Palestinians were suffering from increasing poverty.

35. The witnesses implied in their testimonies to the Special Committee a common feeling that Palestine was suffocating and going through a kind of silent death, unnoticed by the entire world. The disengagement plan from the Gaza Strip was seen by many as an ambiguous, unilateral gesture that had not been negotiated with the Palestinians or within the Quartet, and that might even strengthen the Israeli hold on other parts of the West Bank. It was seen by some witnesses as a smokescreen to conceal the harsh realities and daily sufferings of the vast majority of the Palestinian population.

36. The next section of the report describes human rights violations committed by the Israeli authorities against Palestinian and other Arabs in OPT, based on accounts given by witnesses during their testimonies to the Special Committee.

A. Right of self-determination

37. According to a report of the ILO Director-General,[6] the revised route of the wall (referred to as the "Separation Barrier") approved by the Israeli Cabinet on 20 February 2005 was approximately 670 km long, from the northern Jordan River in eastern Tubas to the southern extremity of the West Bank in Hebron Governorate. Twenty per cent of this new route (134 km) follows the Green Line. However, 108 km of the wall, which would cut 22 km into the West Bank, would incorporate the two large Jewish settlements of Ariel/Emmanuel and Ma'ale Adumin. As a result, more than 170,000 Israeli settlers as well as about 185,000 Israeli settlers in East Jerusalem would be located between the wall and the Green Line, an area referred to as the "Seam Zone". (The construction of this segment is still under scrutiny by the Israeli authorities.) The wall being constructed around East Jerusalem and Ma'ale Adumin would also severely affect the mobility and residence rights of 230,000 Palestinians holding East Jerusalem residency permits, although a quarter of them were already living on the West Bank side of the wall.

38. The wall would have severe consequences for about 49,500 Palestinians living in 38 villages and towns of the "Seam Zone", and separating more than 500,000 Palestinians living within 1 km of it from their families, farmlands, jobs and other basic facilities. The "Seam Zone" would ultimately be accessible to Palestinian residents, farmers and workers through 73 crossing points which would be opened only during limited times for holders of valid one-year permits. A small portion of the wall in urban areas including East Jerusalem — about 30 km, according to Israeli officials — is 8.5 m high; the rest consists of a 50 m-wide buffer zone of ditches, trenches, wires and electronic fences, including monitoring and detection systems.[6] According to a witness, the wall in the Gaza Strip alone was expected to be 102 km long with a portion possibly extending into the sea.

39. A number of witnesses also alluded to drinking water and electricity issues in OPT and explained that since the second intifada, and even more since the wall was erected, Palestinians had lost control of these strategic, vital and essential resources.

40. According to these witnesses, 85 per cent of water resources were used by Israel, leaving only 15 per cent for the Palestinians, who were totally dependent on the occupying Power to manage the supply and distribution of water. Israeli settlers were allowed a yearly consumption that was 6 times more than that of the Palestinians.[7]

41. Israel drew one quarter of its water from the Jordan River, despite the fact that only 3 per cent of the river flows inside its pre-1967 borders. Since 1967, Palestinians had been totally denied access to the waters of the Jordan River basin, on the eastern border of the West Bank, despite the fact that during the war, 140 wells in the Jordan valley had been destroyed. Since then only 23 permits had been issued to dig new wells.

42. Since the construction of the wall, about 50 groundwater wells and over 200 cisterns had been destroyed or isolated from their owners in the West Bank. This water used to meet the domestic and agricultural needs of over 120,000 people. Twenty-five other wells and cisterns, as well as 35,000 metres of water pipe had been destroyed for the construction of the wall.

43. Water was presently being distributed to Palestinian communities, essentially through Merokot, the Israeli water company. In summer, when water supplies were low, Merokot allegedly gave priority to settlers' communities over Palestinian villages. Many rural communities were forced to look for additional water sources, such as wells, springs, cisterns and tanks, and as a result often suffered from the ill-effects of contaminated water and inadequate sewage or sanitation systems. Often, access to these alternative sources was further hampered owing to Israeli closures and checkpoints or settlers' attacks, including harassment, beatings and shootings.

44. The wall was obstructing many water run-off flows in the Qalqiliya region that normally diverted water and prevented floods. During heavy rains in February 2005, Israeli soldiers refused to open drainage pipes in Qalqiliya, causing severe flood damage to homes, greenhouses and crops in several nearby villages.

45. According to another witness, electricity supply in OPT had also suffered from military incursions, confiscation of land for distribution to settlers or use by military bases and, more recently, from the construction of the wall. The combination of these factors prevented Palestinian electricity companies from maintaining or repairing existing equipment after attacks, and forced them to install equipment in small enclaves of land where they would not normally go. Often they were not able to attend to the needs of customers located on the other side of the wall, and four villages in the north had been totally deprived of electricity. One village had only one generator that functioned two to three hours a day. On the other hand, Jewish settlers benefited from more favourable treatment and lower prices.

46. Palestinians usually paid 20 per cent more for their electricity than Israelis. The overall cost of electricity depended heavily on the cost of fuel, maintenance, the policy of the occupying Power and subsidies to the greenhouses of settlers. Most of taxes on electricity paid by Palestinians went to Israelis and were never invested in Palestinian communities. In Jerusalem, Palestinians were not allowed to obtain electricity because their houses were allegedly built illegally. The inhabitants of hundreds of such houses were living on ad hoc electricity supplies, hazardously — and illegally — diverted from high tension wires. Palestinian emergency teams

intervening after damage to electrical equipment were sometimes harassed by Israeli security forces.

47. The gradual loss of control by Palestinians over their territory and national identity was further illustrated by recent developments concerning Jewish settlements. For several witnesses, the disengagement in the Gaza Strip would further impede the creation of a Palestinian State, as the process seemed to reinforce existing Jewish settlements in Galilee, the Negev and East Jerusalem. Should settlers move to the West Bank or even stay in the vicinity of Gaza, their mere presence would further alter the contiguity of Palestinian lands. There were allegations that 12,000 Arab houses would be demolished in the near future in East Jerusalem and other parts of Israel.

48. According to a witness, the establishment of Jewish settlements in the medium and long term would have demographic consequences in the West Bank, which already had 230 of these settlements. Settlers came with a few caravans and established outposts on hilltops in the middle of densely populated Palestinian areas. Roads were then built between the outposts and older Jewish settlements. Two such nuclei of settlements had been established near Bethlehem. As settlements expanded, Palestinian villages near Bethlehem became surrounded and separated from each other by by-pass roads for the settlers. Throughout OPT there were already 158 such outposts. At a later stage, these areas were equipped by the Israeli army with basic infrastructure allowing the settlers to remain permanently. It was estimated that 9 per cent of the West Bank was now occupied by Israeli settlements and outposts. These arrangements contributed to the dismemberment and segregation of Palestinian lands into small cantons (64 in the West Bank, 3 in the Gaza Strip). About 440,000 Jews had allegedly settled in the West Bank, including East Jerusalem, and some 7,800-9,000 other settlers were living in the Gaza Strip. The lives of Palestinians on their own land were becoming more and more difficult, following confiscation of land, depletion of water resources, razing of crops, uprooting of trees, destruction of infrastructure and demolition of houses. Several witnesses used the words "ethnic cleansing" and "rampant expulsions" of Palestinians to describe the situation.

49. Most of the time, it was very difficult for Palestinians to submit specific complaints to Israeli police about harassment and other human rights violations committed by settlers. In the last 10 years, some 700 complaints were dismissed allegedly for lack of evidence failure to identify the perpetrator. Since the second intifada, 70 Palestinians had been shot dead by settlers, but none of them was arrested by the Israeli authorities and brought to justice. Palestinian NGOs had the greatest difficulty in having such acts registered by the authorities, who allegedly did not recognize the hostile nature of the acts committed by settlers.

B. Right to freedom of movement and freedom to choose one's residence

50. Israel's restrictions such as curfews, closures, checkpoints, rare points of access to the wall and arbitrary crossing times have become institutionalized, making freedom of movement a privilege rather than a right. These restrictions, which affected all Palestinians, were perceived as forms of collective punishment. A witness asserted to the Special Committee that restrictions imposed on the right to

freedom of movement did not respect the principle of proportionality, were discriminatory, and violated the rights enshrined in the International Covenant on Civil and Political Rights.

51. Several witnesses stressed that these restrictions had deprived them of other essential rights such as their right to choose their residence, their right to an adequate standard of living, food and housing, their right to work, as well as their rights to health and education.

52. According to one witness, owing to the policy of "Judaization" of Jerusalem and the confiscation of lands, 86 per cent of Palestinians living in East Jerusalem could no longer own their lands, especially on the outskirts of Jerusalem. The growth of the Arab population of Jerusalem from 75,000 in 1977 to some 360,000 today forced many of them outside the city or to crowd into relatives' homes or other premises. They had lost their residency and other rights, their rights to health and education, in particular, and it was estimated that up to 70,000 Jerusalem ID-card holders might lose their residency and other rights in the near future because of the wall.

53. Those remaining in Jerusalem had to pay at least 35 per cent of their income in taxes to the municipality of Jerusalem.[8] Seventy-five per cent of the population in East Jerusalem were now living under the poverty line and 40 per cent were unemployed. During the first part of 2005, about 680 persons, including some 50 children, fled their homes. Families were increasingly indebted and could no longer pay school or university fees, leading many children and students to drop out.

54. According to this witness, in spring 2005, Israeli newspapers revealed the existence of an alleged secret 600-page detailed plan to restore by 2020 the city of Jerusalem to the way it looked in King David's time. This would entail the destruction of Palestinian villages bordering the old wall of Jerusalem. The situation was presently very tense in the village of Silwan, south-west of Jerusalem, and bordering Al-Aqsa mosque, where, citing an alleged old colonial law, Israeli authorities decided to demolish 100 houses. More than 1,000 people, including many children, had already left Silwan. In the village of Wallaja, south of Jerusalem, a community of 2,500 Palestinians lived close to a settlement of 5,000 Israelis; 600 Palestinians were expected to be removed and their houses demolished during the second half of 2005. In the area of the Holy Shrine, men under 45 were no longer allowed to go to the Al-Aqsa mosque, and it was expected that this restriction would be extended to Omar Square. Land given by Palestinian Christians to the Orthodox Church was now being confiscated.

55. As mentioned in last year's report, the issue of family reunification was becoming increasingly complicated for spouses non-resident in Jerusalem and their children.

56. The new Nationality and Entry into Israel (Temporary Order) Law, 5763-2003, renewed on a yearly basis, prohibits Israelis who are married to, or marry in the future, residents of OPT from living in Israel with their spouses. Children born in OPT to a parent who is a resident of East Jerusalem and a parent who is a resident of OPT are forbidden under this law to live in Jerusalem with their family. According to one witness, since the entry into force of the law, the Israeli authorities were only allowing reunification of families in East Jerusalem for a limited number of Palestinians from the West Bank: women over 25, men over 35 and children under

12. These persons were only given temporary residency permits allowing no access to community services, thereby forcing hundreds of families to live in East Jerusalem in precarious circumstances with no guarantee of renewal or a more permanent residency status.

57. The witness also highlighted the issue of "halved" families in the Gaza Strip, referring to the situation of husbands settled in Gaza and their wives in Israel. The new law did not automatically authorize them to settle in Israel; permission to do so depended on whether the permit issued to workers allowed them to go to Israel as individuals or as couples. Permits to go abroad from Gaza were granted on a very restricted basis, and men between 16 and 35 were forbidden to travel. Movement between the West Bank and Gaza was virtually impossible, especially with the forthcoming disengagement from the Gaza Strip by the Israelis. Such travel implied long journeys through Egypt and Jordan.

58. The Special Committee was told that the purpose of the new law was not to protect the "security" of Israel, but rather an attempt to protect the Jewish character of the Israeli State against the demographic consequences of family reunifications and to pre-empt any possible interpretation of these procedures by Palestinian beneficiaries as a "creeping right to return".

59. The new law damaged ties between residents of Jerusalem and the rest of the West Bank, especially, as described above, between family members. Residents of OPT married to Israeli citizens were previously able to receive, following an exhausting process, permanent-resident status; the new law only allowed temporary permits to be issued by the civil administration. It was expected that a new law governing entry into Israel would be drafted by March 2006.[9]

60. A petition was filed in the Israeli Supreme Court by an NGO, two affected families, the Chairperson of the High Follow-up Committee for Arab Citizens of Israel and nine Arab members of the Knesset against the Israeli Minister of the Interior and the Attorney-General seeking the rescinding of the Nationality and Entry into Israel law on the grounds that it was discriminatory as it applied only to Palestinians.

61. After the Knesset had voted to extend the law, the NGO filed a motion in July 2004 for a moratorium on its implementation. In December 2004, a panel of the Supreme Court decided to postpone the final judgement on the petition against the law. In January 2005, the Knesset voted to extend the law for another five months. Again the NGO introduced a motion for a moratorium and requested a Court ruling on the petition. The Court turned down the motion in March 2005.[10]

C. Right to an adequate standard of living, including adequate food, clothing and housing

62. A witness stated that during the period under review, as much as 55 per cent of the land had been destroyed in the Gaza Strip, especially in the area of Rafah; these included the destruction of many homes[11] and 10 per cent of the greenhouses and other infrastructure of the agricultural sector. The witness emphasized the cruelty of the method used to demolish these homes. He reported an incident that had occurred in January 2004 when he saw a group of bulldozers passing in the street. When people came out of their homes to find out where the bulldozers were heading,

several other bulldozers drove in and destroyed 40 homes, without any warning. People had no time to return to their homes and collect some clothes before fleeing in despair.

63. According to the same witness, there was a definite pattern of destruction targeting not only houses, but everything contributing to the livelihood of Palestinians, many of whom were living on 1 donum (about 1 ha) of land. Olive trees, water resources and wells were damaged or levelled by bulldozers. Farm animals were also killed and some decapitated. Farmers were regularly denied access to certain fertilizers as some of their components could be used to prepare bombs.

64. Another witness described the difficulty of building a house in Gaza, a process which could take years owing to lack of money and building materials. His own three-storey house, not yet completed but partly furnished, had been destroyed a few months previously by bulldozers. He fled his home with only a few pictures and personal documents, and moved in with relatives in the neighbourhood.

65. Another witness added that in the West Bank, more than 1.2 million trees had already been reportedly cut down or uprooted in the area of the wall. Some of the trees were hundreds of years old.

66. According to other information received, rising unemployment and falling incomes, along with restrictions on movement and the levelling of crops and seizure of agricultural land, had resulted in an increase in food insecurity and a decline in food consumption and nutrition levels. An assessment of the food and nutrition situation in the West Bank and the Gaza Strip concluded that 40 per cent of the population was food insecure, while an additional 30 per cent was on the verge of becoming so, should conditions remain unchanged. Child malnutrition was a major concern for some of them. Among the most hit by food insecurity were households headed by women, those with a large number of dependents and unskilled breadwinners, and those with chronic ailments or disabled members.

67. According to one witness, the Hebrew University in Eastern Jerusalem is expanding. In the 1970s, the University confiscated land belonging to two Palestinian clans south-west of the University and built a park. Since then, it also undertook steps to evict nine families under the pretext that their houses were built on land belonging to the University. In December 2004, new plans were announced to build on this land 12-storey residential buildings with 1,200 apartments for student housing, university offices, parking lots and parks. The digging work led to the removal of a hill on the contested land quite close to houses owned by Palestinians. Several families filed a claim in an Israeli court to defend their 4,500 m^2 of land and their right to free access to it. One of the homeowners was reportedly beaten up and arrested four times, in front of his children. Two old men of 80 and 85 years respectively were guarding their properties day and night against army patrols, touring bulldozers and threats of various sorts.

D. Right to just and favourable conditions of work

68. According to ILO, restriction of movement through internal and external closures drastically reduced the number of Palestinian workers in Israel. In 2004, 224,000 Palestinian workers were unemployed, i.e. about 26 per cent of the work

force. A little less than half of men and 10 per cent of women of working age were employed. Every employed person supported an average of six persons, and most of them were struggling for their survival. Forty per cent of youths (15-24 years) were unemployed. About half of the Palestinian population, 18 million persons, lived below the poverty threshold. In other words, 57 per cent of all workers in OPT received monthly wages that did not allow them to sustain a standard family of two adults and four children above the official poverty line. Even with strong economic development and steady job creation in the near future, 39,000 new job-seekers entering the labour market yearly and a significant decrease in unemployment would be major challenges.[12]

69. According to another source of information, only about 1,946 workers per day crossed into Israel from Gaza in 2004, compared with 29,865 in 1999.

E. Right to health

70. Restrictions on movement severely impeded access by Palestinians to health-care facilities by humanitarian organizations to the needy population. According to a witness, before the construction of the wall, 87 per cent of the population in communities around Jerusalem reportedly had access to health-care facilities. It was expected that after the completion of the wall, only 39 per cent of Palestinians would have access to such facilities. In addition, as many as 120,000 children would allegedly be deprived of vaccinations. A large number of these children under 4 suffered from anaemia. Older ones had become slow at school because of lack of iron and other vital substances.

71. Many diseases having an impact on the heart, eyes and ears had developed as a result. During the period under review, numerous health outreach programmes in remote areas had been cut off. Mobile medical teams were very frequently prevented from reaching their patients or spent hours at checkpoints before being allowed to proceed, reducing the time spent with patients.

72. The witness also reported that pregnant women were increasingly at risk, as they could not reach easily primary health-care dispensaries during pregnancy. Statistics from the Palestinian Ministry of Health consulted by the Special Committee indicated that 61 women had given birth at checkpoints between September 2000 and December 2004 and that 36 of their babies had died as a result. In 2000-2001, 31 pregnant women delivered at checkpoints and 17 of the babies died. In 2002, 16 women had their babies at checkpoints and 11 babies died. In 2003 and 2004, only 8 and 6 women gave birth at checkpoints, while 3 and 5 of the babies died, respectively. The Palestinian Ministry of Health registered an increase of 7.9 per cent in home deliveries in the West Bank (against 0.5 per cent in the Gaza Strip) for 2005, indicating that Palestinian women preferred to give birth at home, thereby avoiding the risk of being delayed at checkpoints.

73. Other sources reported that ambulances bringing pregnant women to hospital were delayed for 1-2 ½ hours at checkpoints when the patients had to be transferred from the ambulance on one side to an ambulance on the other, because they were not allowed to go through the checkpoints. Especially for women from rural areas, the drive to a hospital could take several hours owing to closures and road impediments. Such journeys were impracticable at night, during curfews, or when there were military incursions.

74. In their daily lives women were struggling with poverty, unemployed husbands or the loss of their spouses, children at risk, scarce or no food to feed their families, demolition of their houses and shrinking health and other social services, as well as domestic violence. All these had a severe impact on women and on their children's health.

75. Another witness reported psychosomatic effects suffered by children who could not stand the noise of tanks, bulldozers and low-flying helicopters. Many of them developed mental disorders, enuresis and bad dreams. Many children had to spend most of their time indoors. In Gaza alone, more than 50 per cent of the population was allegedly under 16 years old. He also mentioned the case of an institution for handicapped people which was razed to the ground following the invasion of a refugee camp in Jabaliya. So far, more than 300 attacks against medical facilities and 370 attacks against ambulances had been reported, with 433 medical staff injured.

76. A witness from the Gaza Strip said that 2-2.7 per cent of the population was handicapped; 33 per cent of the disabled were deaf or blind and about 30 per cent were mentally handicapped. Half of the disabilities were reportedly the result of acts of aggression and violence committed by Israeli forces against Palestinian civilians. There were very few facilities available to assist these people in their daily lives, in the absence of a fully organized Palestinian Ministry of Social Affairs. Since the second intifada, handicapped people from the Gaza Strip no longer had the opportunity to access medical services in the West Bank.

77. Another witness reported that a recent study conducted in the area of the Rafah border revealed that 95 per cent of the women and children surveyed had allegedly experienced bombardments and developed post-traumatic disorders such as flashbacks, nightmares, avoidance symptoms and other nervous afflictions; 97.5 per cent of them had experienced tear gas. Children in particular were affected by sleep disorders, hyperactivity, lack of concentration or agressivity. They were the victims of all kinds of violence, ranging from killings, arrests of family members and increasing poverty. They knew no language other than violence in their play, and in their families and in community life. Women were mainly subject to depression, anxiety, phobias and other somatic symptoms.

F. Right to education

78. Several witnesses stressed that attacks against children on their way to school, the numerous impediments posed by closures, curfews, seizures, and long waiting hours at checkpoints or entry points to the wall seemed to indicate a growing, deliberate pattern of behaviour by the occupying Power aimed at hampering normal schooling, especially higher education; Palestinian youths would then be confined to low-grade employment.

79. As pointed out by one witness, most students were unable to enrol in or reach universities outside their locality. Teachers in some areas were unable to reach their workplaces regularly. Teachers and students had to cross checkpoints on foot, risking their safety. The quality of education also suffered as the Palestinian Ministry of Education had been compelled to recruit teachers who lived in the neighbourhood rather than those who were the best qualified, but who lived elsewhere.

80. However, education for women was a step forward in gender equity in the workplace and society. It contributed to improving their awareness of health and nutrition and, hence, strengthened their capacity to care for themselves and their families.

81. In the West Bank, young people identified as "activists" were no longer allowed to go abroad to pursue their studies. Education, which used to be the backbone of Palestinian survival, has been deliberately targeted. In a recent review of the humanitarian situation in OPT, OCHA stated that UNRWA had reported significant declines in the exam pass rates between the academic years 2000/01 and 2003/04: 42 per cent of students in the Gaza Strip were said to have had worse school results, and one third of Palestinian children had had their education disrupted.[13]

G. Right to life

82. According to statistics registered by the Palestine Red Crescent Society (PRCS) and available on its website, from 1 January to 19 August 2005, 146 Palestinians had reportedly been killed in the West Bank and Gaza Strip, while 160 had been injured by live ammunition and 174 persons wounded by rubber or plastic bullets. PRCS recorded a total of 3,663 deaths since the second intifada and 7,757 and 6,482 Palestinians injured by live ammunition and rubber or plastic bullets, respectively.

83. A witness reported that owing to the use of excessive force by the Israeli Defence Forces (IDF) and settlers, 834 Palestinians, including 13 women and 165 children, had been killed. Among those killed, 167 were reported to be Palestinians who lost their lives during armed confrontations during IDF incursions into OPT. Several thousand Palestinians had been reportedly injured, among them 1,844 in the Gaza Strip, during the period under review. Reportedly, these losses of life and injuries were the result of extrajudicial executions, or took place during demonstrations or at military checkpoints. According to estimates by this witness's organization, since the second intifada 3,196 Palestinians, including 618 children, had been killed.

84. In the Gaza Strip, 482 Palestinian civilians had been killed, among them 130 children (72 per cent of the total number of casualties), while in the West Bank, 185 civilians lost their lives, 28 per cent of them children. The most fatalities occurred in Gaza city, Rafah and northern Gaza, as a result of the intense military operations in those areas.

85. A total of 398 Palestinian civilians were allegedly killed by IDF bullets in 2004, including 138 shot in the head or the neck and 185 in the chest and the abdomen; 73 other persons were wounded in other parts of the body and 3 were shot in the limbs, while 142 other civilians lost their lives during 58 extrajudicial operations carried out by IDF in 2004 from military aircraft in densely populated areas.

86. Twenty-two sworn statements brought to the attention of the Special Committee reported extrajudicial executions or targeted assassinations carried out between June 2004 and February 2005 by IDF or Israeli special squads against

Palestinian civilians, mainly in the streets, driving their vehicles, or sometimes taken out of their homes.

87. In one incident on 12 October 2004, IDF soldiers reportedly took up positions in the vicinity of the Jewish settlement Neuve Dekalim, west of Khan Younis, and opened fire on a UNRWA elementary school in the Khan Younis refugee camp. An 11-year-old girl was hit in the chest while she was sitting at her desk. She died from her injuries the following day, despite attempts to save her life.

88. Another witness reported a tragic incident in Rafah that had occurred a few months prior to his appearance before the Special Committee, when he witnessed three young men being killed by IDF soldiers while they were returning to their homes. The first was allegedly shot dead. When the second one tried to save his friend, he was shot at the head. The third young man was shot as he tried to drag the two bodies out of the street. All three died in the street, as nobody dared to intervene. This kind of operation usually took place between 10 and 12 p.m., as IDF knew that people had no means of running away.

89. Another witness mentioned the case of three children allegedly injured on 14 January 2005 in Gaza. The three children lost their legs as a result of tank shell. The place where the children had been playing was known to Israeli soldiers and visible from where they were posted. The incident was viewed by the witness as a targeted attack against these children.

90. Another witness stated that in 2004, as many as 2,000 children had been injured by bomb or rocket fire and 5 per cent of the wounds had caused permanent disabilities.

H. Right to liberty and security of persons

91. According to figures given by several witnesses, 8,500 Palestinians were said to be detained in Israeli jails, including 110-170 women and 300-330 minors. Since last year's report, there had been an increase of about 1,100 detainees. Although the figures were constantly changing, the fact remained that large numbers of Palestinians had been arrested and detained. Allegedly, degrading and cruel treatment as well as torture were as bad as last year, if not worse.

92. Conditions of detention continued to be appalling. According to another witness, 950 inmates who required major surgical interventions or treatment were refused access to hospitals and ambulance services had been denied for severely ill patients. There was still a total lack of health facilities, appropriate medicine and doctors inside prisons where Palestinians and other Arabs were imprisoned. Night emergencies, chronic diseases, poisoning and quarantine arrangements for diseases like leprosy were simply not attended to. Several witnesses provided long lists of cases of detainees who suffered from the effects of cruel treatment and illnesses contracted during their detention.

93. A few witnesses placed emphasis on the way that arrests were carried out — usually between 2 and 3 a.m. when people were asleep. Security forces surrounded the houses and reportedly forced all family members into one room, while the arrested person was beaten up and insulted by the soldiers before being taken away. Security forces resorted more and more to the use of dogs equipped with sophisticated devices on their ears allowing them to receive orders from soldiers

posted outside. The dogs were trained to intimidate, threaten and attack the people under arrest. In one case, a young man had been dragged down from the roof to the ground by such a dog, severely damaging his leg.

94. The situation of women detainees was described as dire by several witnesses. They were allegedly threatened with rape, subjected to humiliating body searches, forced to strip, and were guarded by female reservists while their cells were searched by male guards or soldiers. Two women gave birth in prison during the period under review and were allowed few family visits. When the husband of one woman went to visit her, he was not allowed direct contact with his baby. One mother was released in the first part of 2005, while the other was still imprisoned with her 2-year-old daughter. There were no legal provisions regulating the presence of children in detention and even fewer facilities to attend to their needs.

95. Another witness mentioned the case of a woman kept in solitary confinement in a dark room before being brought to a room where she was shown graphic representations of murders and pictures of people known to her. Every half hour, a soldier reportedly passed by and kicked her. She was only authorized to go to the toilet shackled and blindfolded and guarded by a female soldier. Altogether, women in detention had about 50 children left behind unattended at their homes, without proper care. Once released, women had the greatest difficulty in adjusting again to the Palestinian traditional lifestyle and often felt rejected by their own communities.

96. A few witnesses also drew the attention of the Special Committee to the appalling conditions of imprisoned minors, mixed up with adults, sometimes with women adults. They were allegedly arrested in the same way as adults, at night, taken to military camps and beaten up. They were interrogated without the presence of relatives and could not meet their lawyers for 60 days. They were subjected to various threats such as destruction of their homes, life imprisonment, beheading or rape. One youth had reportedly been confined in an isolated cell for 60 days. They were often kept three to a cell, sleeping on the floor, struggling with cockroaches and suffering poor hygienic conditions owing to lack of water. They were often exposed to ill-treatment when transferred to the court or to another prison. Unlike Israeli detainees, they had no rehabilitation or recreational programmes. The conditions governing family visits did not improve since last year. Families of detainees were continuously subjected to intimidation or humiliations. Visits could be cancelled at very short notice or at the last minute by closures and delays at checkpoints.

97. Most of the methods of torture and poor conditions of detention recorded in last year's report were again reported by a number of witnesses. The "Ashafir" method of interrogation, allegedly forcing detainees to sign statements written in Hebrew, a language they did not understand, and without allowing lawyers time to intervene was often used. No independent evidence was given to the court regarding these statements, as there was no written record of the nature of the torture or the kinds of implements used. Affidavits produced in police stations were submitted in the absence of witnesses. Hearings before the judge could be postponed several times. Most of the arrests occurred without warrants and without charges. There were still several hundred detainees in administrative detention for periods renewable indefinitely. One detainee had reportedly been detained in this manner for eight years, without access to a lawyer. Lawyers were not regularly informed of hearings concerning their clients or of their postponement. Visits to their clients had

to be coordinated at least two weeks in advance and could be hampered by closures or delays at checkpoints. No private conversations with detainees were reportedly allowed and a guard was always present. There were reports that lawyers were also intimidated or harassed.

I. Right to freedom of opinion and freedom of association

98. According to a witness, the working conditions of Palestinian journalists remain very difficult. They did not enjoy the minimum freedom of movement necessary to carry out their duties. On 3 July 2005, a public demonstration took place in Hebron, where journalists had allegedly been beaten up and had their cameras confiscated. The same day, in Anihah, journalists were prevented from entering the city until 11 a.m. for no particular reason. One hour later, the road was again opened to the population, including the witness himself. Palestinian journalists were not allowed to cover events in Jerusalem, whereas Israeli media professionals were free to do so. During the current year, according to the same witness, journalists had been arrested and shot at. No compensation had been given to the families of 30 journalists killed, a number of them by snipers. Some foreign journalists killed in Hebron or Jenin had not been compensated and Israeli authorities refused to acknowledge their deaths.

99. Palestinian newspapers were distributed with great difficulty most of the time in the afternoon rather than early morning. Palestinian journalists were prevented from going to places where events were taking place and had to rely on foreign journalists for information. Newspapers had very limited funds to offer attractive working conditions or pay decent salaries to journalists. There was also little that Palestinian journalists could do to alleviate Israeli pressures aimed at changing Palestinian history, Judaizing school curricula and replacing Arab place names with Jewish ones. In 50 years' time, the younger generations would no longer be aware of their cultural rights.

100. The witness highlighted the fact that the world media did not pay enough attention to the human rights situation in OPT.

J. Right to worship

101. A number of witnesses mentioned infringements of the right of Palestinians to worship. The Special Committee was informed that youth under 15 were allegedly not allowed to enter Jerusalem and that only men over 45 could go to Al-Aqsa mosque. In November 2004, according to information received from other witnesses, a petition was filed with the Israeli Supreme Court in the name of Muslim religious leaders, requesting the legal recognition of Muslim holy sites in Israel through an order to the Minister of Religious Affairs to issue regulations for such protection, as was the case for Jewish holy sites in accordance with the 1967 Protection of Holy Sites Law. The petition allegedly mentioned that about 120 locations had been declared Jewish holy sites whereas, as a result of neglect and desecration, many Muslim holy sites and mosques had been converted into bars, nightclubs, stores and restaurants. The non-recognition of Muslim holy sites and places of worship was, inter alia, a breach of the Law and violated the principle of

equality. The case was still pending as the Court ordered the Attorney-General's office to respond to the petition.[14]

VI. Human rights situation in the occupied Syrian Golan

102. As in former years, the Syrian authorities submitted to the Special Committee an annual report (the thirty-seventh) on citizens in the occupied Syrian Arab Golan. A statement was also delivered to the Committee by the Director of the International Organizations Department of the Ministry for Foreign Affairs, and a report was submitted by the Governorate of Quneitra on Israeli practices in the occupied Syrian Golan.

A. Past legacy

103. Ever since the adoption of the first United Nations resolutions on the situation of the Middle East, the Syrian Arab Republic declared its willingness to abide by relevant resolutions, including Security Council resolutions 242 (1967), 338 (1974) and 497 (1981). In its resolution 497 (1981), the Security Council considered the annexation of the Syrian Golan, occupied since 1967, by Israel on 14 December 1981 as null and void. In resolution 59/125 the General Assembly determined that "all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect". In resolution 59/33 the Assembly demanded that Israel "withdraw from all the occupied Syrian Golan" and comply with Security Council resolution 497 (1981).

104. In resolution 2005/8 the Commission on Human Rights reaffirmed the illegality of Israel's decision to impose its laws and jurisdiction over the occupied Syrian Golan, called upon Israel to comply with the relevant resolutions of the General Assembly and the Security Council, to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them.

105. The annexation by Israel of the Syrian Golan has never been recognized by the Arab population of the Golan or by the United Nations. Israeli practices in the occupied Syrian Golan since 1967 have reduced the number of Syrian villages from 132 to merely 5, inhabited by 38,000 people.

B. Worsening of the human rights situation

106. Government officials, including the Governor of Quneitra, and the witnesses attested before the Special Committee to the ever-worsening human rights situation in the occupied Syrian Golan. The Ministry for Foreign Affairs said that 21 out of 44 existing Israeli settlements were to be expanded and 300 Jewish families would be encouraged to settle in the occupied Golan, in the wake of 700 families that had already established themselves in the area during the previous four years. New

settlements were being planned on the rubble of Arab villages destroyed by the occupation forces.

107. Israel had tightened its grip on the water resources of the occupied Syrian Golan through two companies, Hatal and Merokot which exploited the waters of the local rivers and hot springs. As reported last year, the occupation authorities continued to divert 400-500 million m^3 of water, leaving to Syrian citizens only about 20 per cent of their annual supply, which was very insufficient to meet the needs of horticulture and agriculture. Farmers were still not allowed to use the water of Mas'adah Lake, dig wells or collect water from rain or snow. They had to pay high taxes on their agricultural products constituting half of their value, and subjected to a wide range of economic impediments hampering the marketing of their produce. Under the auspices of the International Committee of the Red Cross and the United Nations, the Government of Syria had authorized in November 2004 the import of 7,000 tons of apples from the occupied Golan.

108. Eleven Syrian detainees not 19 as reported last year, were still being held in Israeli jails, under harsh conditions. Four of them, sentenced to 27 years' imprisonment, had already served 20 years, while one detainee had been sentenced to 5 and later to 20 additional years, and another one to 13 years. Both of them had already served 7 and 2 years, respectively. Another detainee had been released after 19 years in jail, as he was suffering from leukaemia and an eye disease. One of the witnesses indicated that this person had been sent to a hospital in Haifa the day before the visit of the Special Committee to Quneitra, but that there was little hope of his recovery as he had fallen into a coma. Syrian detainees were still subjected to various forms of physical and mental torture, and deprived of family visits.

109. The Syrian population of the occupied Golan was still under the threat of landmines, which were often laid close to villages and fields as well as in the vicinity of military camps. In one instance, heavy rains had washed mines down to the centre of the village. The military had refused to remove the mines and they had caused many deaths and permanent disabilities among the population, particularly the children.

110. Israeli authorities continued to bury their nuclear waste in a tract of land located about 100 m from the summit of Jabal al-Sheikh, close to the Syrian border. Digging of a tunnel or trench in which to dump this waste was under way, presenting the same threat of catastrophic ecological consequences as described in the Special Committee's report last year. Fears expressed by Israeli newspapers and a few Knesset members over Israeli's nuclear programmes remained unheard. An Israeli nuclear scientist was recently sentenced to 18 years' imprisonment after revealing certain hidden facts to the *Sunday Times* newspaper. Another concern voiced by the Governor of Qunaitra was the installation of large air fans on the western side of the Jabal al-Sheikh summit that in case of leaks would blow nuclear waste radiation into Syria. One Israeli Knesset member allegedly stated that Israel had dropped neutron bombs containing fissile material in the area along the Golan that separated Israel from Syria.

111. As already emphasized in previous reports of the Special Committee, Israeli practices tended to destroy the Arab cultural identity of Syrian citizens in the occupied Golan and distort history and geography. These endeavours undermined historical evidence found at archaeological sites and discoveries in the Golan attesting to their Islamic Arab origin.

112. Little efforts were made by the occupying Power to improve the poor condition of 12 overcrowded schools in the occupied Golan's remaining villages. Fees for studying at specific faculties like dentistry or pharmacy allegedly went up to US$ 7,000 per year. Those students were forced to take Israeli nationality against their will. According to a witness from the occupied Golan, students who chose to study in Damascus had to apply for a special permit, issued in an arbitrary fashion. After the completion of their studies, students could return to the Syrian Golan and find a suitable job only if they agreed to work for the Israelis.

113. The witness reported that the situation of Syrian youth in the occupied Golan had become a matter of concern owing to the prevalence of illicit drug abuse in the society. Drug dealers were allegedly paid by Israeli authorities to visit pubs and other places in the occupied Golan in order to attract Arab youth and thus destabilize family and community ties. Another witness mentioned the case of a female relative who wanted to study abroad, but at the last minute had her request turned down. His own son allegedly lost a whole academic year owing to a motor vehicle fine which prevented him from returning on time to Damascus. The witness only got news from relatives living in the occupied Golan through messages conveyed by ICRC. Visits, when authorized, lasted only 24 hours. Another witness, to avoid confiscation of the family lands, encouraged his children to return to the occupied Golan and put up tents in the fields to signify their presence.

114. According to the Ministry for Foreign Affairs, Syrian workers in the occupied Golan continuously faced problems such as harassment, lack of employment opportunities, dismissal, discrimination during recruitment, low wages and high taxes. Most of them were employed in temporary jobs, unable to work in public sector institutions which were reserved for Jewish settlers. They had no trade unions that could represent them and defend their rights.

115. The five villages in the occupied Golan were still suffering from a persistent shortage of health centres and clinics, including first-aid centres, doctors, specialized services such as gynaecology and obstetrics, x-ray machines and emergency rooms. No hospital facilities had been made available to these villages. Many women and children suffered from this state of affairs, especially those injured by antipersonnel mines. Conditions of family visits to detained relatives in Israeli jails had not improved since last year and women were subjected to invasive personal searches and long waiting hours and were prevented from talking directly to their relatives.

VII. Conclusions and recommendations

A. Conclusions

116. **After 37 years of being denied access to OPT by Israel, the Special Committee wonders whether Israel should not revisit the reasons behind such refusal. The world has changed since the inception of the Special Committee's mandate, and younger generations are taking over. Disagreement should not be a hindrance to meeting and interacting; discussing issues of common concern will not affect the legal state of affairs.**

117. The Special Committee, within the limits of its mandate, has kept an open mind in meeting with Palestinian witnesses during its field trips to the Middle East. This year, the Special Committee was challenged by various interlocutors, including a number of Palestinian witnesses, who asked what actions were envisaged to implement its mandate. The Committee indicated that its main role and responsibility was to report to the General Assembly. The time may have come for the Assembly to consider innovative ways of assisting the Special Committee in fulfilling its mandate.

118. This year was marked by hopes expressed by Palestinians as well as by others in the international community in the aftermath of the Sharm El Sheikh Summit and the announcement of the Israeli withdrawal from the Gaza Strip.

119. The Gaza withdrawal took place in a remarkably efficient way. However, hopes for progress in OPT tended to vanish in the face of persistent negative factors such as the military occupation of the West Bank, the unabated construction of the separation wall, the severe infringements on freedom of movement imposed daily on the Palestinians as a consequence of the limited number of entry points in the wall and the combined ill-effects of road closures and checkpoints; the uncertainty surrounding the future of the Gaza Strip after the Israeli withdrawal; the shockingly high number of Palestinians still held in Israeli jails; the steady expansion of Jewish settlements in some areas of OPT; and the relative silence and inaction of the international community regarding the implementation of the advisory opinion of the International Court of Justice.

120. During its field trip, the Special Committee became aware of other negative factors such as the loss of control by the Palestinians over strategic resources like water and energy, essential for the survival of communities; the loss of contiguity of their lands due to the wall, road closures and checkpoints, as well as to growing settlers' communities and the network of roads built for their benefit; an alleged secret Israeli plan to dramatically change the character of the city of Jerusalem; the deliberate policy of curtailing the ability of Palestine to become a fully fledged nation State.

121. The Committee also noted the serious deterioration of the situation of Palestinian children and youth whose lives were at risk even on their way to school, whose freedom of movement was severely curtailed by long hours waiting at entry points to the wall or at checkpoints and other restrictions, and whose level of education and academic achievements were negatively affected by the numerous impediments imposed by the occupying authorities. In the Committee's view, the resulting lack of appropriate skills and leadership in the youth in the years to come is a matter of great concern and could contribute to the slow asphyxiation of Palestine.

B. Recommendations

122. The Special Committee wishes to make the following recommendations.

123. The General Assembly should:

(a) Think of innovative ways to fulfil its responsibility with respect to all aspects of the question of Palestine until this question is resolved in conformity

with relevant United Nations resolutions and norms of international law, and until the inalienable rights of the Palestinians are fully realized, and to this end provide the Special Committee with a renewed mandate that is in line with current realities and takes into account the hopes and aspirations of those living in occupied territories;

(b) Monitor the implementation of the advisory opinion of the International Court of Justice and Assembly resolution ES-10/15 requesting Israel to comply with its legal obligation to cease the construction of the wall in OPT, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from its unlawful conduct;

(c) Ensure that other States are not taking actions to assist in any way the construction of the wall in OPT, either directly or indirectly, and that bilateral agreements between Israel and other States do not violate their respective obligations under international law;

(d) Encourage the members of the Quartet to further implement the road map in such a way as to achieve a comprehensive, just and lasting settlement of the conflict, based on relevant United Nations resolutions, including Security Council resolutions;

(e) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure Israel's respect for the Convention. A meeting of the High Contracting Parties to that effect should be convened.

124. **The Government of Israel should:**

(a) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to OPT and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(b) Ensure respect for international law and the principle of appropriate use of means and methods employed in warfare, and cease extrajudicial killings of Palestinians;

(c) Lift local curfews, end road closures and close checkpoints and allow free access to schools, hospitals and places of work;

(d) Comply fully with the Assembly resolution ES-10/15 and, inter alia, refrain from pursuing the construction of the separation wall between Israel and OPT, the long-lasting effects of which are not compatible with a just and sustainable peace between Israel and the State-to-be of Palestine;

(e) Stop its policy of destroying houses and property and the confiscation of large portions of Palestinian land, which affects the territorial integrity of a future Palestinian State;

(f) Taking into account its peaceful withdrawal from the Gaza Strip, end its policy of strengthening and expanding Jewish settlements elsewhere in OPT, which is threatening the contiguity of Palestinian lands;

(g) Stop humiliating or cruel treatment in carrying out mass arrests and arbitrary detentions; release all administrative detainees; guarantee those arrested a fair trial and detention conditions in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the Fourth Geneva Convention;

(h) Stop maltreatment of children and women on their way to school or to health facilities, especially when crossing entry points to the wall or checkpoints;

(i) Facilitate the reopening of the Gaza airport and seaport;

(j) Pursue its efforts in relation to the implementation of the road map, in particular the withdrawal of its military presence within OPT and the occupied Syrian Golan.

125. **The Palestinian Authority should:**

(a) Exert control over Palestinian armed groups in such a way that they refrain from any act of violence against civilians;

(b) Arrest and bring to justice, in accordance with international standards, those responsible for planning or participating in attacks against Israeli or Palestinian civilians;

(c) Apply fully the provisions of the Fourth Geneva Convention as they pertain to OPT;

(d) Pursue its efforts in relation to the implementation of the road map with the members of the Quartet, as well as the announced legislative and other reforms for greater democratization in OPT in the areas of justice, education, health, employment, greater participation of women in the life of their communities, and better access of Palestinians to social services.

126. **The Special Committee also urges concerned civil society groups and diplomatic, academic and research circles to use their good will and influence to make the plight of Palestinians and efforts undertaken on their behalf by Israeli NGOs better known to the public, and to press their respective Governments to comply fully with their international obligations as stated in the advisory opinion of the International Court of Justice and the related General Assembly resolution.**

127. **The Special Committee urges national and international media to give wide coverage to the plight of the Palestinians in OPT, Arabs in the occupied Syrian Golan and Palestinian refugees in neighbouring countries, to better inform the Israeli civil society of these issues and to encourage greater support for efforts undertaken by Israeli NGOs to assist Palestinians in the courts, in detention, or denied access to legal, health and social services.**

Notes

[1] During the current year, the documentation and other material made available to the Special Committee included the following:

(a) Statements, publications, yearly reports and other material provided by Palestinian and Israeli non-governmental organizations;

(b) Testimonies provided under oath and recorded;

(c) Statements received from the Government of the Syrian Arab Republic and the Governor of Qunaitra;

(d) General Assembly resolutions 59/121 to 59/125 and related Assembly reports concerning Palestine and the Special Committee to Investigate Israeli Practices;

(e) Reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2005/29 and Add.1);

(f) Report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.4);

(g) United Nations International Meeting on the Question of Palestine, Implementing the ICJ Advisory Opinion on the Legal Consequence of the Construction of a Wall in the OPT — the role of Governments, intergovernmental organizations and civil society — United Nations at Geneva, 8-9 March 2005, papers and statements submitted and final document;

(h) Reports of various United Nations bodies, such as ILO, OCHA and UNRWA, and of intergovernmental organizations like the World Bank;

(i) Various publications or yearly reports submitted by international non-governmental organizations such as Amnesty International, Human Rights Watch and the International Federation of Human Rights Leagues.

[2] See *Water For Life: Israeli Assault on Palestinian Water, Sanitation and Hygiene During the Intifada*, Water, Sanitation and Hygiene Monitoring Project of the Palestinian Hydrology Group, May 2004

[3] See *Occupied Palestinian Territory 2005 Projects*, Consolidated Appeals Process, OCHA.

[4] Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; Special Rapporteur on violence against women, its causes and consequences; Special Rapporteur on the right to education; Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Chairperson-Rapporteur of the Working Group on Arbitrary Detention; and Special Rapporteur on trafficking in persons, especially women and children.

[5] Except for the International Convention on the Elimination of All Forms of Racial Discrimination, to which it became a party in 1979, Israel has acceded to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and the Convention on the Rights of the Child in 1991, and to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in 1992.

[6] See The situation of workers of the occupied Arab territories, Report of the Director General to the ninety-third session of the International Labour Conference, 2005, appendix, pp. 11-12.

[7] The average consumption of water by Palestinians in OPT is about 85 litres per person per day for domestic, agricultural and livestock uses together.

[8] This covers residency in Jerusalem, income taxes, social services, and infrastructure, sewage and water taxes, as well as TV and radio taxes. Palestinians in Eastern Jerusalem pay taxes similar to those paid by Israelis in West Jerusalem, but do not benefit from equivalent infrastructure: schools, dispensaries, hospitals and other social services.

[9] See also *Forbidden Families: Family Reunification and Child Registration in East Jerusalem*, HaMoked and B'Tselem, January 2004, pp. 20-21.

[10] See *Adalah's 2004 Annual Report of Activities*, Adalah — The Legal Centre for Arab Minority Rights in Israel, April 2005, pp. 15-16.

[11] According to recent information received, 2,389 houses have been destroyed since September 2000, 1,304 of them in the period from 1 January to 1 November 2004.

[12] See The situation of Workers of the Occupied Arab Territories, op. cit., pp. 21, 23 and 24.

[13] See *Review of the Humanitarian Situation in the Occupied Palestinian Territory for 2004*, OCHA, February 2005, pp. 7, 8 and 10.

[14] See The situation of workers of the Occupied Arab Territories, op. cit., pp. v and vi.

Annex

List of non-governmental organizations that testified before the Special Committee during its 2005 field mission

ADALAH: The Legal Centre for Arab Minority Rights in Israel, Shafa'amr

Addameer Prisoner Support and Human Rights Association, Ramallah

Agricultural Development Association, Gaza

Al-Dameer Association for Human Rights, Gaza

Al-Haq, Ramallah

Almarsad — The Arab Center for Human Rights in the Golan Heights, Majdal Shams

Al-Mezan Centre for Human Rights, Gaza

Anti-Apartheid Wall Campaign, Ramallah

Applied Research Institute — Jerusalem (ARIJ), Bethlehem

Community Action Center, Jerusalem

Defence for Children International/Palestine Section, Ramallah

Friends of Detainees and Prisoners Association, Nazareth

Gaza Community Mental Health Programme, Gaza

HaMoked-Centre for the Defense of the Individual, Jerusalem

Health Work Committees, Ramallah

Health, Development, Information and Policy Institute (HDIP), Ramallah

Ittijah — Union of Arab Community Based Associations, Haifa

Jerusalem Legal Aid Center (JLAC), Jerusalem

Jurist Coalition for Human Rights (JCHR), Jerusalem

Land Research Center (LRC), Jerusalem

Mandela Institute, Ramallah

National Society for Rehabilitation/Gaza Strip, Gaza

Palestinian Centre for Human Rights, Gaza

Palestinian Diaspora and Refugee Center — Shaml, Ramallah

Palestinian Human Rights Monitoring Group (PHRMG), Jerusalem

Palestinian Hydrology Group, Ramallah

Palestinian Independent Commission of Citizen's Rights (PICCR), Ramallah

Palestinian Journalist Syndicate, Ramallah

Palestinian Medical Relief Society, Gaza

Palestinian Medical Relief Society, Ramallah

Palestinian Political Prisoner & Ex-prisoner Association (HUSSAM), Gaza

Palestinian Prisoner's Society, Bethlehem

Physicians for Human Rights, Tel Aviv

Solidarity International for Human Rights, Nablus

Treatment and Rehabilitation Centre for Victims of Torture (TRC), Ramallah

Women's Affairs Centre, Gaza

and 8 witnesses met in Damascus